

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 21, 2004  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested the following: 1) Consent Items #23 [Street Improvements Contract and #27 [Municipal Agreements for State Highway Systems Streets] be postponed; GBA #66 Item g.--Ridgefield Section 9 Voluntary Annexation—be postponed. She noted the following item has been added to the agenda: Supplemental Item #85 [Construction Contract for Restroom at Riverside High School]. At the request of Council Member Brown, she noted that GBA #58 [Municipal Agreement for Apex Street Bridge] be postponed until the July 22, 2004 City Council Work Session. Finally, the manager provided additional information for GBA #35 [Selection of Bond Counsel]; a revised memo for GBA #43 [Housing Authority - Edgemont Elms Limited Partnership Loan Repayment]; and a revised agenda item for GBA #72 [Murdoch Place – 2<sup>nd</sup> Mortgage Loan].

**MOTION** by Council Member Stith seconded by Council Member Clement to accept the City Manager's priority items was approved at 7:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell announced that there would be no regular City Council Meetings during the month of July.

Mayor Pro Tempore Cole-McFadden made comments on the opening of the Durham One Call Center.

Relative to Consent Agenda Item #81 [MV Transportation], Council Member Stith asked staff if Council should pause until this item goes through the appeal process.

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City Attorney Blinder noted there is no entitlement on Connex's part to an award of the contract even if FTA were to find irregularities in the process followed by staff. Further he noted in terms of liability, there is not an entitlement of the award to any of the parties.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 40 and 81 were pulled.

**MOTION** by Council Member Stith seconded by Council Member Brown to approve the Consent Agenda as amended was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: CITY COUNCIL MINUTES**

**MOTION** by Council Member Stith seconded by Council Member Brown to approve City Council minutes for the May 17, 2004 regular City Council Meeting was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – APPOINTMENTS**

To appoint citizens to fill one (1) Non-Minority Female vacancy, one (1) Minority Female vacancy and one (1) Non-Minority Male vacancy on the Human Relations Commission. The terms will expire June 30, 2007.

**Note: The City Clerk was directed to re-advertise.**

**SUBJECT: DURHAM BOARD OF ADJUSTMENT – APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Brown to reappoint Jeff Furman to fill one (1) vacancy on the Durham Board of Adjustment for a Regular Member--term will expire June 30, 2007 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT HOUSING APPEALS BOARD – APPOINTMENTS**

**MOTION** by Council Member Stith seconded by Council Member Brown to reappoint Carena R. Brantley (Alternate Member) to represent Law and Michael W. Shiflett (Regular Member) to represent Neighborhood Associations and to appoint Laura Milton

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(Alternate Member) to represent At-Large to fill three (3) vacancies on the Housing Appeals Board--terms will expire June 30, 2007 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: LYON PARK ADVISORY BOARD – APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Brown to reappoint Hunter Bacot to fill one (1) vacancy on the Lyon Park Advisory Board to represent the Forest Hills neighborhood--term will expire June 30, 2005 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: ENVIRONMENTAL AFFAIRS BOARD – APPOINTMENT**

**MOTION** by Council Member Stith seconded by Council Member Brown to reappoint William A. Anderson, III to fill one (1) vacancy on the Environmental Affairs Board to represent Law--term will expire June 1, 2007 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS**

**MOTION** by Council Member Stith seconded by Council Member Brown to appoint Aaron Cain, Mohammad S. Rashdi and Beart Truitt-Braswell to fill three (3) vacancies for AT-LARGE members on the Citizens Advisory Committee--one term will expire June 30, 2006 and two terms will expire June 30, 2007 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND  
ACCEPTANCE OF AN APPLICATION**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive and accept an application for a citizen to fill one (1) vacancy for a Minority Female member on the Human Relations Commission with a term to expire on June 30, 2007 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACTS**

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**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute the list of contracts; and

To authorize the City Manager to make changes to the list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
Donna May	Maintenance Durham Athletic Park	P&R	3,500.00
Reality Show Band (Lamont Judd)	Summer Music concert	P&R	650.00
Nathaniel McLaughlin	Umpire	P&R	1,500.00
Stacey Best	Umpire	P&R	1,500.00
Me4You-Demetrius Williams	Basic DJ Skills	P&R	3,200.00
Moore Square Dixielanders (Don Martin)	Summer Music concert	P&R	600.00
Eva Morgan	Yoga Instructor	P&R	3,000.00
Brad Lee Armstrong	Umpire	P&R	1,500.00
Gary Thompson	Umpire	P&R	1,500.00
Raymond Alston	Umpire	P&R	2,500.00
Jeff Norris	Umpire	P&R	2,500.00
Kickin Grass (Jamie Dawson)	Summer Music concert	P&R	550.00
Susan Denault	Water Exercise	P&R	1,500.00
Jacob Bouknight	Senior Exercise	P&R	1,200.00
Charlotte Koren	Senior Exercise	P&R	1,200.00
Darion Stokes	Judo/Youth Drawing	P&R	3,500.00
Frank Wong	TaiChi	P&R	2,000.00
WindChannel Communications	WIFI Data Access service	TS	3,920.00
McKim & Creed	Surveying Old North Durham Park & Weaver Meadow Park	P&R	13,200.00
Mother & Daughter Cleaning	Contract Extension-T-BATT and Corcoran Street	Purchasing	8,887.80
Mother & Daughter Cleaning	Contract Extension Fire Adm. Building	Purchasing	17,712.00
Clegg's Termite & Pest Control	Pest Control	Purchasing	29,970.00
Triangle Music Therapy	Music for Special Populations camp	P&R	250.00

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Linda Tilley	Dog Obedience	P&R	7,000.00
S&W Productions	July 4 Fireworks	P&R	12,500.00
Hyland Software Inc	License agreement- web-based training for ON BASE	TS	0.00

**SUBJECT: CONTRACT EXTENSION – CONTRACT NO. 5-236-02 –  
INDUSTRIAL WORK UNIFORMS - G & K SERVICES**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to extend the existing contract with G & K Services, in the estimated amount of \$112,662.38 for providing the City with Industrial Work Uniforms; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS – PAGER RENTAL SERVICE - ARCH WIRELESS  
OPERATING COMPANY INC.**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept the bid from Arch Wireless Operating Company Inc., in the estimated amount of \$40,000 per year, for a total of \$80,000, for furnishing the City with pager rental service for a twenty-four (24) month period; and

To authorize the City Manager to enter into a contract with Arch Wireless Operating Company Inc., in the estimated amount of \$40,000 per year, for a total of \$80,000, for furnishing the City with pager rental service for a twenty-four (24) month period; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PIGGY-BACK PURCHASE – ESTIMATED ANNUAL  
REQUIREMENTS FOR REFUSE AND YARD WASTE  
COLLECTION CARTS - CASCADE ENGINEERING, INC.**

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**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to enter into a contract with Cascade Engineering, Inc., in the estimated amount of \$198,520, for providing the City with its Estimated Annual Requirements for Refuse and Yard Waste Collection Carts; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS – ESTIMATED MULTI-YEAR REQUIREMENTS FOR LIQUID FERRIC CHLORIDE - PVS TECHNOLOGIES, INC.**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept the bid from PVS Technologies, Inc. in the amount of \$369,600 for providing the City with its Estimated Multi-Year Requirements for Liquid Ferric Chloride; and

To authorize the City Manager to enter into a contract with PVS Technologies, Inc. in the amount of \$369,600 for providing the City with its Estimated Multi-Year Requirements for Liquid Ferric Chloride; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT EXTENSION – CONTRACT NO. 1-169-02 – ESTIMATED ANNUAL REQUIREMENTS FOR BIOXIDE - US FILTER/DAVIS PROCESS PRODUCTS**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to extend the existing contract with US Filter/Davis Process Products in the amount of \$194,400 for furnishing the City with its Estimated Annual Requirements for Bioxide; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REIMBURSEMENT DECLARATION FOR THE PROPOSED 2004-05 CERTIFICATES OF PARTICIPATION (COPS) – AERIAL LADDER FIRE TRUCK PURCHASE**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt the resolution declaring the intent of the City of Durham to reimburse itself for capital expenditures incurred in connection with the acquisition of the aerial ladder fire from the proceeds of certain tax-exempt obligations to be executed and delivered during fiscal year 2004-05 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9120**

**SUBJECT: TAX COLLECTION INTER-LOCAL AGREEMENT - DURHAM COUNTY – CITY OF DURHAM**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to enter into an agreement with Durham County to extend the existing Inter-local Tax Collection Agreement with Durham County until July 1, 2007 under the existing terms, with minor modifications; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO COMMUNITY FAMILY LIFE AND RECREATION CENTER AT LYON PARK ADVISORY BOARD BY-LAWS**

**MOTION** by Council Member Stith seconded by Council Member Brown to amend the Community Family Life and Recreation Center at Lyon Park Advisory Board By-Laws by adding a new paragraph (e) to Article 3, Section 2. Paragraph (e) shall read: “applications will be accepted from Neighborhood Representatives as at-large positions, and the City Council may appoint members to the Board from any of the seven (7) neighborhoods surrounding the Center to fill the board vacancies. These neighborhoods are Burch Avenue, Lakewood, Tuscaloosa-Lakewood, Forest Hills, Lyon Park, Morehead

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Hills and West End” was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC04-02) – SET HEARING ON THE  
CLOSING OF 686.71 LINEAR FEET OF CATALPA DRIVE**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a resolution to set a public hearing on the proposed closing of 686.71 linear feet of Catalpa Drive for August 2, 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9121**

**SUBJECT: MAJOR SITE PLAN – CLINICAL TRIAL SERVICES OFFICE  
ADDITION - D04-074**

**MOTION** by Council Member Stith seconded by Council Member Brown to approve a major site plan for “Clinical Trial Services Office Addition”, submitted by Sam Brockwell Associates on behalf of Medical Office Properties, Inc., for a 1,576 square foot office addition to an existing office and research facility on a 4.06 acre site zoned OI-2(D) and F/J-B, located at the northeast corner of Medical Park and Technology Drives, PIN 0833-01-26-1950, City Atlas Page 13, Block A-1 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - "ALSTON AVENUE STORAGE" - D04-103**

**MOTION** by Council Member Stith seconded by Council Member Brown to approve a major site plan for “Alston Avenue Storage”, submitted by Commercial Site Design, PLLC, on behalf of GNG Limited Partnership, for 5 storage unit buildings with a total building area of 35,064 square feet on a ±3.13 acre site zoned I-2, and approve a 10 foot buffer reduction from 40 feet to 30 feet along the northern property line, located at 2600 South Alston Avenue, between Whilden Road and the Durham and Southern Railroad, PIN number 0803-04-6170, City Atlas Page 38, Block B-4 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - "JUST TIRES" - D04-062**



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**MOTION** by Council Member Stith seconded by Council Member Brown to approve a Major Site Plan for “Just Tires”, submitted by Stimmel Associates, PA on behalf of McNeel Properties, LCC, for a 6,864 square foot building on a .955 acre parcel known as Lot 2 of The Park West Shopping Center, zoned SC (D) and F/J-B, located at the southwest corner of Meredith Drive and NC Highway 55, north of Claremont Road, PIN 0738-03-01-3895, City Atlas Page 51, Block A-3 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-222 STREET IMPROVEMENTS**

To authorize the City Manager to execute a contract with \_\_\_\_\_  
for Contract ST-222 Street Improvements in the amount of \$ \_\_\_\_\_;

To establish a contingency fund for Contract ST-222 of \$ \_\_\_\_\_; and  
To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

**Note: This item was postponed.**

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
IMPROVEMENT UNDER E.A.A. – SEWER MAIN ON MAYO  
STREET**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a resolution setting a public hearing for June 21, 2004, for the Sewer Main on Mayo Street from Tax Map 603-2-1 to South Property Line of Tax Map 603-2-2 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE – KRISTEN MARIE LANE**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept Kristen Marie Lane for maintenance by the City of Durham was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MUNICIPAL AGREEMENT FOR REPLACEMENT OF BRIDGE  
NO. 94 OVER NORTHEAST CREEK AND APPROACHES ON SR  
1945 (ALSTON AVENUE) UNDER PROJECT NO. B-3837 –**

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**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
(NCDOT)**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a resolution authorizing the City Manager to execute a Municipal Agreement for Project B-3837 for the replacement of Bridge No. 94 over the Northeast Creek on SR 1945 (Alston Avenue); and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9122**

**SUBJECT: MUNICIPAL AGREEMENTS FOR WORK PERFORMED ON  
STATE HIGHWAY SYSTEM STREETS**

To adopt a resolution authorizing the City Manager to enter into an Agreement with NCDOT, Schedule 'A' – Signs; and

To adopt a resolution authorizing the City Manager to enter into an Agreement with NCDOT, Schedule 'B' - Markings and Markers; and

To adopt a resolution authorizing the City Manager to enter into an Agreement with NCDOT, Schedule 'C' - Traffic Signals; and

To adopt a resolution authorizing the City Manager to enter into an Agreement with NCDOT, Schedule 'D' - Computer, Communications Equipment, and System Operations for Computerized Traffic Signal System; and

To authorize the City Manager to make modifications to the Agreements provided the modifications do not change the dollar amounts in the Agreements and are consistent with the general intent of the version of the Agreements approved by the City Council.

**Note: This item was postponed.**

**SUBJECT: ENDORSEMENT OF TRANSPORTATION ENHANCEMENT  
GRANT APPLICATIONS TO THE NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION (NCDOT) – EASTWAY  
ELEMENTARY SCHOOL AND WEST CLUB BOULEVARD AT  
OVAL PARK**

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**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a “Resolution Authorizing the Filing of Transportation Enhancement Program Applications” was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9123**

**SUBJECT: TRANSMITTAL OF EMERGENCY COMMUNICATIONS  
PERFORMANCE AUDIT - APRIL 2004**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive and accept the Emergency Communications Performance Audit approved by the Audit Services Oversight Committee at their May 24, 2004 meeting was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WIA YOUTH SERVICES CONTRACT – DURHAM LITERACY  
COUNCIL**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute a WIA Youth Services contract with the Durham Literacy Council in the amount of \$88,300; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WIA YOUTH SERVICES CONTRACT- DURHAM PUBLIC  
SCHOOLS**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute a WIA Youth Services contract with Durham Public Schools in the amount of \$170,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WIA YOUTH SERVICE CONTRACT – CENTER FOR  
EMPLOYMENT AND TRAINING (CET)**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute a WIA Youth Services contract with the Center For Employment and Training in the amount of \$136,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: TWO-THIRDS BONDS FINAL REPORT OF SALE AND BUDGET  
AMENDMENT RECOGNIZING THE TRANSACTION**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept the report from the Finance Department on the sale of \$10 million of 2/3rds bonds; and

To adopt an Ordinance Amending the 2003-04 City of Durham Budget Ordinance, the same being 12814 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12962**

**SUBJECT: AMENDMENT TO SOFTWARE CONTRACT - COMPUTER  
SCIENCES CORPORATION**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute an amendment to the existing contract with Computer Sciences Corporation to provide for software licenses, on-site training, and system modifications for a period of three years effective June 22, 2004, at a cost not to exceed \$133,656; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AUTOMATIC MUTUAL-AID AGREEMENT - CITY OF DURHAM FIRE DEPARTMENT, COUNTY OF DURHAM, BAHAMA, BETHESDA, LEBANON, PARKWOOD AND REDWOOD FIRE DEPARTMENTS**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute an Automatic Mutual-Aid Agreement between the City of Durham Fire Department, Durham County and the Durham County Volunteer Fire Departments was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WHITCOMB STREET PARCEL SALES – LOTS 1505, 1507, 1510, 1512, 1514, 1526 AND 1518 – SELF-HELP, CDC**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to negotiate the sale of City-owned properties on Whitcomb Street to Self-Help for the development of at least seven affordable housing units and the reconstruction of Maplewood Park was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REQUEST TO THE CITY OF DURHAM TO SUPPORT THE CREATION OF THE DURHAM FARMERS MARKET FACILITY AT THE DURHAM CENTRAL PARK**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a resolution in support of the creation of the Durham Farmers' Market Pavilion at the Durham Central Park was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9124**

**SUBJECT: APPROVAL TO ALLOCATE FUNDS TO INCREASE THE DATA OPERATIONS, MAINTENANCE AND ADMINISTRATION FACILITY PROJECT CONTINGENCY**

To authorize the City Manager to increase the contingency amount by \$608,031

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for a total contingency of \$1,358,031 and a total project amount not to exceed \$10,558,734; and

To authorize the City Manager to execute change orders not to exceed the revised contingency of \$1,358,031 and the revised total project budget of \$10,558,734.

**Note: This item was approved at the 6/10/04 Work Session with a vote of 6/0.**

**SUBJECT: GOLDEN BELT HOUSING REHABILITATION PROJECT –  
HOME PROGRAM FUNDING TO HISTORIC PRESERVATION  
SOCIETY OF DURHAM (HPSD) - \$30,000 AS AN ACQUISITION  
LOAN**

**MOTION** by Council Member Stith seconded by Council Member Brown to approve \$30,000 in HOME Program Funds to the Historic Preservation Society of Durham, for acquisition of lots and lot preparation to accept two single family dwellings to be moved, rehabilitated and sold to low-income families; and

To execute an Acquisition Loan Agreement and other related legal documents with the Historic Preservation Society of Durham; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SUB-RECIPIENT AGREEMENT – DURHAM ALLIANCE FOR  
CHILD CARE ACCESS - \$70,000 IN COMMUNITY  
DEVELOPMENT BLOCK GRANT FUNDS TO PROVIDE  
SUBSIDIES FOR LOW INCOME FAMILIES**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to approve Community Development Block Grant funds to Durham Alliance for Child Care Access in an amount not to exceed \$70,000; and

To execute a Sub-recipient Agreement and other related legal documents with Durham Alliance for Child Care Access; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SUB-RECIPIENT AGREEMENT – JOHN AVERY BOYS AND GIRLS CLUB, INC., FACILITY IMPROVEMENTS**

**MOTION** by Council Member Stith seconded by Council Member Brown to rescind the prior authority granted to the City Manager on September 15, 2003 with regard to this item; and

To authorize the City Manager to execute a sub-recipient agreement with John Avery Boys and Girls Club, Inc. for improvements to the facility located at 808 East Pettigrew Street; and

To authorize the expenditure of \$55,000.00 from CDBG funds; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: GRANT PROJECT ORDINANCE FOR WEED AND SEED STRATEGY FY 2004 - U.S. DEPARTMENT OF JUSTICE**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept the FY 2004 Program Grant for the Weed and Seed Strategy from the U.S. Department of Justice, Executive Office of Weed and Seed in the amount of \$175,000; and

To adopt a Grant Project Ordinance for the acceptance of the FY 2004 Program Grant for the Weed and Seed Strategy in the amount of \$175,000; and

To authorize the City Manager to make changes to the Grant Agreement before execution as long as the changes do not substantially alter the dollar amount and remain consistent with the general intent of the Grant Agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12960**

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**SUBJECT: INFRASTRUCTURE IMPROVEMENTS FOR THE BARNES AVENUE REDEVELOPMENT - SEASIDE ENVIRONMENTAL CONSTRUCTORS INC.**

To authorize the City Manager to execute a contract with Seaside Environmental Constructors Inc. for the infrastructure improvements for the Barnes Avenue Redevelopment project in an amount of \$874,511; and

To establish a contingency fund for the Barnes Avenue Redevelopment Infrastructure project in the amount of \$87,451; and

To authorize the City Manager to execute any necessary change orders for the Barnes Avenue Redevelopment contract provided the total cost of all changes orders does not exceed \$87,451 and that the total project cost does not exceed \$961,962; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

**Note: This item was approved at the 6/10/04 Work Session with a vote of 6/0.**

**SUBJECT: DURHAM COUNTY HABITAT FOR HUMANITY - \$125,000 HOME FUNDS – SECOND MORTGAGE PROGRAM**

To accept Habitat for Humanity's homeownership program underwriting guidelines; and

To authorize the City Manager to execute the Reservation of Funds Agreement in an amount not to exceed \$125,000 of HOME funds; and

To make changes to the agreement which do not increase the agreement amount, lessen Habitat for Humanity's duties, or extend the term beyond November 30, 2004.

**Note: This item was approved at the 6/10/04 Work Session with a vote of 6/0.**

**SUBJECT: AMENDMENT TO THE CONSUMER CREDIT COUNSELING SERVICES OF DURHAM SUB-RECIPIENT AGREEMENT FOR FY 2003-2004**

**MOTION** by Council Member Stith seconded by Council Member Brown to amend the performance based contractual agreement with the Consumer Credit Counseling Service of Durham (CCCS) for FY 2003-2004 with the expiration date of service being December 31, 2004; and



**June 21, 2004**

To make changes to the agreement which do not increase the agreement amount, lessen CCCS's duties, or extend the term beyond December 31, 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE DURHAM AFFORDABLE HOUSING  
COALITION SUB-RECIPIENT AGREEMENT FOR FY 2003-2004**

**MOTION** by Council Member Stith seconded by Council Member Brown to amend the performance based contractual agreement with the Durham Affordable Housing Coalition, Inc. for FY 2003-2004 to include the tenant-landlord education workshops; and

To extend the contract term to July 31, 2004; and

To make changes to the agreement which do not increase the agreement amount, lessen DAHC's duties, or extend the term beyond July 31, 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO CONTRACT FOR DESIGN SERVICES FOR  
THE DOWNTOWN TRAIL PROJECT - HADEN-STANZIALE P.A.**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a "Resolution Exempting the Downtown Trail Project from G.S. 143-64.31"; and

To authorize the City Manager to negotiate and execute an amendment to the original contract with Haden-Stanziale P.A. for Master Planning, Design Development, Construction Documentation and Construction Administration Services for the Downtown Trail that will increase compensation in the amount of \$29,000 from the original amount of \$50,460 to the amount of \$79,460 with a \$5,000 contingency; and

To authorize the City Manager to negotiate and execute change orders with Haden-Stanziale P.A. on the Downtown Trail project as necessary as long as the total compensation is not increased by more than 10% was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9125**

**SUBJECT: AMENDMENT OF CONTRACT FOR DESIGN SERVICES FOR  
WEST CHAPEL HILL ROAD PARK - HADEN-STANZIALE P.A.**

**June 21, 2004**

**MOTION** by Council Member Stith seconded by Council Member Brown to adopt a Resolution Exempting the West Chapel Hill Road Park Project from G.S. 143-64.31; and

To authorize the City Manager to negotiate and execute an amendment to the original contract with Haden-Stanziale P.A. for Master Planning, Design Development, Construction Documentation, and Construction Administration Services for the West Chapel Hill Road Park that will increase compensation in the amount of \$229,860 from the original amount of \$78,000 to the amount of \$307,860 with a \$15,000 contingency; and

To authorize the City Manager to negotiate and execute change orders with Haden-Stanziale P.A. on the West Chapel Hill Road Park project as necessary as long as the total compensation is not increased by more than 10% was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9126**

**SUBJECT: NEW SOFTWARE SUPPORT CONTRACT WITH SUNGARD HTE, INC.**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to enter into a contract with Sungard HTE, Inc. in the amount of \$76,825; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT AWARD - NORTH CAROLINA AND THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY/GOVERNOR'S CRIME COMMISSION**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to accept the award of \$10,686.42 by signing the required grant award documents; and

To adopt the City of Durham North Carolina and the Department of Crime Control and Public Safety/Governor's Crime Commission Juvenile Accountability Block Grant

**June 21, 2004**

Project Ordinance was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12963**

**SUBJECT: CONSERVATION EASEMENT DEED FOR FOREST HILLS  
PARK STREAM RESTORATION**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute the Conservation Easement Deed for the Forest Hills Park Stream Restoration; and

To authorize the City Manager to modify the Conservation Easement Deed provided the modifications do not increase the dollar amount of the Conservation Easement Deed and are consistent with the general intent of the version of the Conservation Easement Deed approved by City Council was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT MR-2 – LARGE METER REPLACEMENT -  
VANGUARD UTILITY SERVICE, INC.**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute a contract with Vanguard Utility Service, Inc. for Contract MR-2 Large Meter Replacement in the amount of \$27,285 plus a contingency fund of \$3,000 for a total amount of \$30,285; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: ANNUAL AMENDMENT TO THE TIDEWATER FIBRE CORP.  
(TFC ) RECYCLING CONTRACT**

**MOTION** by Council Member Stith seconded by Council Member Brown to authorize the City Manager to execute Amendment #5 to the contract between the City of Durham and Tidewater Fibre Corp. (TFC) for an amount not to exceed \$2,232,850 for the provision of recycling services from February 1, 2004 through January 31, 2005; and

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To authorize the City Manager to modify the contract, if necessary, before execution provided the modifications does not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: FEDERAL AVIATION ADMINISTRATION GRANT OFFER**

**MOTION** by Council Member Stith seconded by Council Member Brown to accept the Federal Aviation Administration Grant offer of \$7,000,000 for Runway Safety Area Extensions, RDU 080409, FAA AIP Grant Number 3-37-0056-30; and

To authorize the City Manager to execute the Grant Agreement and to authorize the City Attorney to give assurances with respect thereto; and

To authorize the City Manager and City Attorney to make minor changes to the Grant Agreement was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: UPDATE FROM DURHAM CENTRAL PARK, INC. ON STATUS OF PROJECT**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive an update from Durham Central Park, Inc. on status of project was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: UPDATE ON THE REDEVELOPMENT OF BARNES AVENUE AREA**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive an update on the redevelopment of Barnes Avenue area was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION ANNUAL REPORT**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive a report of the Appearance Commission Annual Report was approved at 7:21 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CAFE' FEED ME**

To receive a report from the Administration on a request to serve alcohol on the patio on top of the parking garage at the Durham Center.

**Note: This item was moved to the July 22, 2004 Work Session.**

**SUBJECT: SEPARATE BUT EQUAL CITIZENS**

To receive comments from Chris Tiffany on Publicly Renounce/Denounce/Condemn "Separate but Equal" Profiling and Harassment of criminal suspects.

**Note: Citizen did not appear at the June 10, 2004 Work Session.**

**SUBJECT: OLD NORTH DURHAM/PAC 2**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive comments from Richard Mullinax, Jr. on addressing city maintenance of right-of-ways on the streets/highways that are designated "gateways" was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM C.A.N.**

To receive comments from Kim Curtis on dedicating up to two cents of a property tax increase to quality programs for at-risk youth in the city.

**Note: Citizen did not appear at the June 10, 2004 Work Session.**

**SUBJECT: HEART OF DURHAM DEMOLITION - LVI SERVICES OF NORTH CAROLINA INC.**

To authorize the City Manager to enter into a set price, all-inclusive contract with Lvi Services of North Carolina Inc., for the sum of \$563,000. This shall include all asbestos remediation, biohazard control, demolition of the structure, transport and debris disposal, erosion control measures, reseeded/straw and all site work as required by the specifications; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

**Note: This item was approved at the June 10, 2004 Work Session with a vote of 6/0.**

**SUBJECT: GRANT PROJECT ORDINANCE AMENDING ORDINANCE  
#11760 FY 1999-00 SECTION 3 CAPITAL GRANT**

To adopt a Grant Project Ordinance FY 1999-00 Transit Grant Section 3 Capital Grant Superseding Grant Project Ordinance #11760.

**Note: This item was approved at the June 10, 2004 Work Session with a vote of 6/0.  
Ordinance #12949**

**SUBJECT: TRIANGLE REGIONAL TRANSIT CONSOLIDATION  
IMPLEMENTATION STUDY**

**MOTION** by Council Member Stith seconded by Council Member Brown to receive a status report on the Triangle Regional Transit Consolidation Implementation Study was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SEWER LINE FOR CREEKSIDE ELEMENTARY SCHOOL**

To authorize the City Manager to execute an extension agreement for water and/or sewer, at no cost to the City, with the standard extension terms as set forth in the extension terms as set forth in the extension agreement and the location of the sewer line as shown on "Attachment A," or in an alternate location if requested by the developer(s) or owner(s) and approved by the Public Works Director.

**Note: This item was moved to the July 22, 2004 Work Session.**

**SUBJECT: ORDINANCE TO AMEND SECTION 12-28(B) OF THE DURHAM  
CITY CODE TO PROHIBIT PANHANDLING AT NIGHT**

To adopt an "Ordinance to Amend Section 12-28(b) of the Durham City Code to Prohibit Panhandling at Night".

**Note: This item was approved at the June 10, 2004 Work Session with a vote of 6/0.  
Ordinance #12948**

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**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR 609  
BARNES AVENUE FOR THE BARNES AVENUE AREA PLAN  
INITIATIVE**

To find that it is necessary, in the public interest, and for the public use and benefit to condemn property of Ms. Robin Johnson, identified as 609 Barnes Avenue (PIN#831-10-46-4195) for the Barnes Avenue Area Plan Initiative; and

To authorize the City Attorney to initiate eminent domain proceedings in accordance with Chapter 40A of the North Carolina General Statutes, with a deposit into court of \$14,000.00, as the estimate of just compensation.

Ricky Johnson, of 512 Ottawa Avenue, noted he opposes the condemnation of this property based on the fact that the City has not negotiated and made one offer. He stated we would prefer to negotiate this matter rather than going through eminent domain. He urged Council to allow the City to negotiate this item further to avoid going to court.

City Manager Conner asked Council to move forward with the eminent domain proceedings subject to scheduling another opportunity to negotiate with the owners of this property.

**MOTION** by Council Member Clement seconded by Council Member Stith to find that it is necessary, in the public interest, and for the public use and benefit to condemn property of Ms. Robin Johnson, identified as 609 Barnes Avenue (PIN#831-10-46-4195) for the Barnes Avenue Area Plan Initiative; and

To authorize the City Attorney to initiate eminent domain proceedings in accordance with Chapter 40A of the North Carolina General Statutes, with a deposit into court of \$14,000.00, as the estimate of just compensation [subject to the City scheduling another opportunity to negotiate with owners of the property] was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH MV TRANSPORTATION, INC.**

To award the Contract for Fixed Route Transit Service Operation and Maintenance, and Optional Service to MV Transportation, Inc.; and

To authorize the City Manager to execute said Contract; and

**June 21, 2004**

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract awarded by City Council.

**Note: This item was approved at the June 10, 2004 Work Session with a vote of 5/1.**

Anita Keith-Foust, of 323 W. Trinity Avenue, noted she does not feel comfortable with this contract stating something is not right with this contract and we need to get to the bottom of it. She requested that this contract be postponed from going forward.

Council Member Stith expressed a concern with this item.

Council Member Clement asked the administration if there will be bus service after June 30.

Assistant City Manager Voorhees noted the current contract will be terminated on June 30 and the City Council entered into a settlement agreement with Coach USA on a number of matters relating to the funding of the pension plan. He noted Coach USA was contacted for an extension and they said they're not interested.

Mayor Bell noted at the Work Session, Council took action to award the contract to MV Transportation.

**Note: Additional discussion was heard on this item later in the meeting.**

## **[GENERAL BUSINESS AGENDA]**

**SUBJECT: EXTENSION OF CIVIC CENTER AGREEMENTS – CITY OF DURHAM, COUNTY OF DURHAM AND SHANER HOTEL GROUP PROPERTIES TWO LIMITED PARTNERSHIP**

**MOTION** by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute amendments to the Civic Center Management and Catering Agreements to extend the termination dates of these agreements to December 31, 2004; and

To authorize the City Manager to make modifications to these amendments provided that the modifications do not increase the dollar amount of the agreements and the modifications are consistent with the general intent of the existing version of the agreements was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: RECOMMENDATION FOR SELECTION OF BOND COUNSEL**



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To authorize the City Manager to engage Parker Poe Adams & Bernstein L.L.P. and The Banks Law Firm (Co-counsel) to serve as Bond Counsel and to provide services in support of the City's bonded debt and installment purchase financing program.

City Manager Conner noted the motion printed on the agenda needed to be revised to reflect the updated information provided in the handout. She asked the Finance Director to inform the Council on the changes.

Finance Director Ken Pennoyer noted that Parker Poe would be the primary bond counsel on general obligation issues with the Banks firm as co-counsel. Also, he stated on the certificates of participation and revenue bonds, Parker Poe and Burford and Lewis would act as co-bond counsel.

City Manager Conner stated the intent of the motion to be amended is to authorize the Council to enter into an agreement with Parker Poe, Banks and Burford and Lewis firms for co-bond counsel with the City of Durham.

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the Council to enter into an agreement with Parker Poe, Banks and Burford and Lewis firms for co-bond counsel with the City of Durham to provide services in support of the City's bonded debt and installment purchase financing program was approved at 7:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT:   MODIFICATION OF THE LOAN REPAYMENT TERMS FOR  
THE HOUSING AUTHORITY OF THE CITY OF DURHAM, D/B/A  
EDGEMONT ELMS LIMITED PARTNERSHIP (DEVELOPMENT  
VENTURES, INC., GENERAL PARTNER)**

To approve the extension of the current loan repayment terms for ninety (90) days to complete the refinancing of the existing first mortgage loan in order to allow the Borrower the financial capacity needed to support alternative terms for repayment of the City's second mortgage; and

To authorize the City Manager to execute the amended promissory note, and amend the other legal documents, as is consistent with City Council approval of this item; and

To authorize the City Manager to execute the subordination agreement that the refinancing of the Borrower's current first mortgage will require.

City Manager Conner noted the revised agreement is to recommend that the current agreement be extended for 90 days. Also, she noted staff provided in the handout a pro forma that reflects their ability to pay and one with a 2% on the bond funds. She urged

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Council to move forward with this item contingent upon DHA being able to refinance with an appropriate fiscal institution.

Mayor Bell asked the City Manager if the following information is included in the pro forma: 1) That they at least pay the City during the time they asked for the extension of loan; and 2) That they do a worst case situation where they look at the first mortgage. Also, he expressed concern with raising the rents by 3 percent.

City Manager Conner replied yes.

For clarification, Council Member Clement asked the administration under this arrangement will rents increase 2%.

City Manager Conner replied no.

City Attorney Blinder added an additional motion to this item: To authorize the City Manager to make changes to loan documents on the terms and conditions not less favorable to the City.

Council Member Best noted he would rather have the balloon payment than refinance and expressed concern that the balloon payment has not been addressed.

**MOTION** by Council Member Stith seconded by Council Member Catotti to approve the extension of the current loan repayment terms for ninety (90) days to complete the refinancing of the existing first mortgage loan in order to allow the Borrower the financial capacity needed to support alternative terms for repayment of the City's second mortgage; and

To authorize the City Manager to execute the amended promissory note, and amend the other legal documents, as is consistent with City Council approval of this item; and

To authorize the City Manager to execute the subordination agreement that the refinancing of the Borrower's current first mortgage will require; and

To authorize the City Manager to make changes to the loan documents on the terms and conditions not less favorable to the City was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

At this time during the meeting, discussion was continued on Consent #81 [Contract with MV Transportation]

**SUBJECT: CONTRACT WITH MV TRANSPORTATION**

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Albert Bell, Attorney for Connex South, LLC, noted FTA received an appeal from our client in connection with the award and denial of an original protest filed by Connex with respect to the actual award. He made comments on the June 10 Work Session noting Council affirmed the decision to make the award to MV Transportation. But in this case, the issue of the protest which had been filed on April 23, we never received a response. In section 1.16 in the RFP, it is very clear that if a protest is available the City shall come back with a definitive response. That issue was apparently discussed at some length at the June 10 Work Session, and if it occurred, a decision was never made by Council to deny the protest. As a result of that, Connex filed another protest -- failure of the City to follow the requirements of 1.16. Underlying all of that, 1.16 allows for an award to be made as a matter urgent need. As we understand from the Work Session on the 10<sup>th</sup>, that urgent need, as of June 30, the incumbent, Coach USA had said it would not be willing to enter into an extension creating an urgency of time. Subsequent to the protest, the question had never been formally posed to Coach as to would you be willing to continue to serve the City during which time we could sort out issues that we raised in the underlying protest. He urged Council to direct the City to formally inquire of Coach as to whether they would be willing to continue to serve in the capacity of providing public transit while these matters are sorted out.

For clarification, Assistant City Attorney Patrick Baker noted the protest was given to us in writing, I believe it was June 4, 2004.

Attorney Bell, representing Connex, noted he misspoke.

Mayor Bell asked who was the petition given to.

Assistant City Attorney Patrick Baker noted Connex's petition was e-mailed to Ms. Conner and Ms. Laisure and not to the City Council. He made comments on events that took place at the June 10, 2004 City Council Work Session which centered around Thomas Hartley and his involvement in this particular program. He noted Mr. Hartley was terminated from his employment with Connex on May 3. If there was a protest that was going to be brought out, the timeliness of this is 10 business days from the date the information should have been known. The protest should have come in on May 17 and staff received the protest on June 3 or 4 to be specific.

Attorney Baker briefed Council on the discussion that had taken place at the June 10, 2004 Work Session commenting on Council's action to grant the contract to MV Transportation. He noted the protest was not specifically ruled on, but the content of the protest was in front of Council and was discussed at the Work Session. He noted there is a decision to give MV the contract. There has not be an explicit decision on the protest and there was an implicit decision on the protest based on the fact that you don't grant to MV if you are going to grant the protest as well. He noted the motion that was in front of Council was to grant MV the contract and there was no specific language in the motion speaking to the decision of the protest.

**June 21, 2004**

Mayor Bell noted the contract has already been awarded to MV Transportation and recommended that the discussion regarding the protest filed by Connex South, LLC be continued to the June 22, 2004 Special City Council Meeting.

**SUBJECT: LOAN SERVICING AGREEMENT - CENTRAL CAROLINA BANK**

**MOTION** by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute an amendment to the City of Durham's Affordable Housing Mortgage Loan Program Servicing Agreement with Central Carolina Bank in order to extend the contract period for 3 months (July 1, 2004 through September 30, 2004) at \$9,090 per month; and

To authorize the City Manager to execute an amendment to the City of Durham's Affordable Housing Mortgage Loan Program Origination Agreement with Central Carolina Bank in order to extend the contract for a period of one (1) year (July 1, 2004 through June 30, 2005) at \$2,084 per month; and

To authorize the City Manager to modify the amendments before execution provided that the modifications do not increase the dollar amount of the amendments, and the modifications are consistent with the general intent of the existing version of the amendments was approved at 7:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: COMPENSATION AND CLASSIFICATION PLAN AMENDMENTS**

Mayor Pro Tempore Cole-McFadden noted she would like to have some assurance that this item will in no way adversely impact employees [Human Resources, Public Works and General Services ] who are a part of the proposed reorganization.

City Manager Conner noted these are just changes in titles and some shift and movement in terms of bands.

If there is an impact, Mayor Bell asked the City Manager to come back to Council before action is taken.

**MOTION** by Council Member Clement seconded by Council Member Stith to amend the City of Durham's Compensation and Classification Plan was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: N.C. DEPARTMENT OF TRANSPORTATION MUNICIPAL  
AGREEMENT APEX STREET BRIDGE REPLACEMENT  
PROJECT B-4698 (CITY ATLAS PAGE 62, BLOCK C-1)**

To adopt a resolution authorizing the City Manager to execute a Municipal Bridge Agreement for Project B-4698 Apex Street Bridge Replacement.

Mayor Bell noted this item was postponed to the July 22, 2004 Work Session.

Andy Seamans, of 32 Beverly Drive, noted the Forest Hills Neighborhood Association opposes the funding of the Apex Street Bridge for re-opening to vehicle traffic and would prefer that it be left open for pedestrian traffic only. He requested one month to have a facilitated discussion between neighborhoods [Forest Hills and St. Theresa].

Tania Dautlick, of 708 E. Forest Hills Boulevard, spoke in opposition to this item noting it would turn winding neighborhood streets without sidewalks into an unsafe thoroughfare and would increase traffic.

Stephanie Cain, of 425 Carolina Circle, expressed concern with the amount of traffic that will occur if the bridge is re-opened to vehicle traffic.

Beart Truitt-Braswell, of 2005 Otis Street, spoke in support of re-opening the bridge to vehicle traffic and emergency vehicles.

Reci Robinson, of 1315 Fargo Street, spoke in support of opening the bridge for traffic.

Bryan Andregg, of 704 E. Forest Hills Boulevard, spoke in opposition to opening the bridge to vehicle traffic noting funds could be used to hire more police officers, fix pot holes/street lights and fight poverty.

Randle Pickle, of 27 Beverly Drive, thanked Council for the opportunity to continue dialogue between the Forest Hills and St. Theresa neighborhoods.

Lee Richardson, of 2206 Wilshire Drive, spoke in opposition to opening of bridge noting this is not an issue of race.

Jim Haviland, of 421 Carolina Circle, spoke in opposition to this item due to traffic concerns. Also, he made comments on a report entitled "Streets for People: Traffic Calming in your Neighborhood".

Delores Eaton, of 126 Masondale Avenue, spoke in favor of this item urging Council to open the bridge.

Melvin Whitely, representing the Durham NAACP, spoke in support of opening the bridge.

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LaVonia Allison, representing DCAPB, urged Council to open the bridge.

Chris Harrison, of 415 Carolina Circle, spoke in opposition to opening the bridge citing safety concerns.

Joe Chambliss, of 410 E. Forest Hills Boulevard, spoke in opposition to opening the bridge commenting on economic issues.

Jackie Wagstaff noted as a former City Council Member, it was voted on to open the bridge in 2000.

**Note: This item was postponed to the July 22, 2004 City Council Work Session.**

**SUBJECT: PROPOSED TERMS FOR REFINANCING OF THE MURDOCH PLACE HOUSING DEVELOPMENT SECOND MORTGAGE LOAN - MATTHEW FLYNN D/B/A FLYNN HOLDINGS, INC AND INNOVISIONS, INC.**

To authorize the City Manager to enter into a development agreement with Matthew Flynn d/b/a Flynn Holdings, Inc and Innovisions, Inc. contingent upon exercising their option to purchase the Murdoch Place housing development; and

To approve the terms for the repayment of the City's outstanding second mortgage loan balance at a rate of interest not less than two percent (2%) amortized over fifteen (15) years with the first monthly principal and interest payment due and payable three (3) years (37<sup>th</sup> month) from the date of acquisition by the potential developer; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement.

City Attorney Blinder requested that the following wording be added to the first motion: To authorize the City Manager to enter into a development agreement *and other pertinent documents*, etc.

**MOTION** by Council Member Stith seconded by Council Member Clement to authorize the City Manager to enter into a development agreement and other pertinent documents with Matthew Flynn d/b/a Flynn Holdings, Inc and Innovisions, Inc. contingent upon exercising their option to purchase the Murdoch Place housing development; and

To approve the terms for the repayment of the City's outstanding second mortgage loan balance at a rate of interest not less than two percent (2%) amortized over fifteen (15) years with the first monthly principal and interest payment due and payable three (3) years (37<sup>th</sup> month) from the date of acquisition by the potential developer; and

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To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 8:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: ANN ATWATER**

Ann Atwater, of 16 Manson Place, expressed concern about Birchwood Heights' community noting the children have been overlooked and don't have recreation in Birchwood.

Mayor Bell noted this item was added to the CIP agenda.

Anita Keith-Foust, of 323 W. Trinity Avenue, noted something needs to be done this summer for the children in Birchwood.

Ann Atwater noted discussion was held with Parks & Recreation to let the John Avery Boys and Girls Club work with the children in Birchwood this year. She noted we still don't have recreation out there so something needs to be done as quickly as possible.

Mayor Bell asked the City Manager Conner to report back to the Council on this issue that the children out in Birchwood would have an opportunity to attend John Avery Boys and Girls Club.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive comments from Ann Atwater regarding Birchwood Heights Recreation Center was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: UPDATE TO DURHAM LIVABLE WAGE ORDINANCE**

Council Member Best asked the administration does this ordinance apply only to people who contract with the City.

City Manager Conner noted the ordinance applies to the City and its wages that it pays its employees both full-time and part-time and for service contracts.

**MOTION** by Council Member Catotti seconded by Council Member Clement to adopt an ordinance amending the current Livable Wage Ordinance to include US Department of Health and Human Services poverty threshold guidelines; and

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To set the Durham Minimum Livable Wage at 5 % above the HHS guidelines; and

To adjust the Durham Minimum Livable Wage at least once each two years at a minimum; and

To monitor City of Durham service contractors for compliance with the Minimum Livable Wage Ordinance; and

To allocate sufficient resources to monitor City of Durham service contracts for compliance with the ordinance was approved at 8:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

**Ordinance #12964**

**SUBJECT: RESOLUTION EXPRESSING THE SUPPORT OF THE DURHAM CITY COUNCIL FOR A BILL TO AUTHORIZE THE CITY OF DURHAM TO LEVY AN INCREASE IN THE MOTOR VEHICLE TAX UP TO FIVE DOLLARS**

To adopt a "Resolution Expressing the Support of the Durham City Council for a Bill to Authorize the City of Durham to Levy an Increase in the Motor Vehicle Tax Up to Five Dollars".

**Note: This item was approved at the 6/11/04 Special City Council Mtg. with a vote of 6/0. Resolution #9105**

**SUBJECT: FISCAL YEAR 2004-05 BUDGET MATTERS**

Budget Director Julie Brenman provided Council with a series of resolutions and ordinances that need to be adopted as part of the budget and information on questions raised by Council. Relative to the grant received from Duke, she noted there is \$82,000 in additional revenue that we could appropriate to the budget.

Council Member Clement asked staff what disposition could be made to restoring cuts back to the following non-city agencies: Durham Arts Council, Downtown Durham, Inc. and St. Joseph's Historic Foundation.

Budget Director Julie Brenman noted the total reduction for those three organizations was \$49,092. She noted funds from Duke University could be used to restore the 5% cut for those three organizations and there would a little left over.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to use a portion of the grant from Duke University to restore the 5% cuts to the Durham Arts Council [\$28,201], Downtown Durham, Inc. [\$6,701] and St. Joseph's



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Historic Foundation [\$14,190] was approved at 8:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Budget Director Julie Brenman noted the property tax increase would be reduced from 3.88 cents to 3.86 cents.

Council Member Stith made the following recommendation to Council: To maintain level of worker's compensation coverage for police and fire; restore current proposed YMCA funding; exempt unfunded police and fire positions and take the balance of at least \$2 million and apply that to reduce our current deficit; restore [\$455,000 in loan repayment] funding back into the general fund; keep non-public safety increases flat and implement our pay for performance plan which will be \$4 million for reduction for our current budget-cap at 5%.

Budget Director Julie Brenman noted there is no money in the current year budget for pay for performance. It would be in the 2005-06 budget.

Council Member Stith asked Budget Director Julie Brenman what would \$4 million relate to on the tax rate.

Budget Director Julie Brenman noted it would be 2.68 cents.

Mayor Bell asked staff to earmark funds [\$88,000 in additional revenue] expected from sale of surplus property to hold tax increase to 3.8 cents. Also, he made comments about the funding earmarked for the YMCA.

Rev. Rodney Green, of Changing A Generation Outreach Ministries, requested funding to curb homelessness and drugs.

Frank Almendarez, of Concerned Citizens for Accountable Government, presented Council with a petition entitled: We, the undersigned, in order to restore fiscal responsibility, credibility, efficiency, and integrity to Durham City Government, thereby improving the quality of life for all citizens of Durham, North Carolina, do hereby petition the City Council to require the immediate resignation of Marcia Conner as City Manager. We further petition for a thorough investigation and complete audit by independent counsel of all financial records (including all city contracts) and agencies of City government. He noted their concerns are perception, trust and the need for reality to clear the air. Mr. Almendarez noted the target deadline is for more than 90 days for an audit on the following areas: water and sewer, Office of Economic and Employment Development (OEED) for FYs 2001-2004 and all bonds issued since 1993.

Anita Keith-Foust, of 323 W. Trinity Avenue, made comments on the \$100,000 earmarked for Old North Durham Park for excavation, sod, and underground irrigation system. She urged Council to hire more staff to maintain the field. Also, she supports artificial turf for the playing ground and that the City get estimates from the vendor.

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Andy Miller encouraged Council to support the budget as proposed and Council Member Stith's proposal to pull Police and Fire out of Worker's Comp issue. Also, he asked Council if they are not going to commit to the pay for performance for the next fiscal year, please do not pass it.

Anita Hammond, of 2100 Otis Street, expressed concern with the petition submitted by Concerned Citizens for Accountable Government and made comments in support of the City Manager.

Delores Eaton, of 126 Masondale Avenue, raised a concern with the petition submitted and urged Council to do the right thing by City Manager Conner.

Susan Nichols, of 4 Hickorywood, expressed concern with the \$60 yard waste fee being proposed.

Thelma White, of 1015 Jerome Road, made comments in support of City Manager Conner and funding to widen and add sidewalks and traffic improvements to Fayetteville Road and Riddle Road.

Budget Director Julie Brenman noted currently there isn't funding in the CIP for proposed increases to Riddle Road. There is funding for sidewalk improvements and traffic calming needs. Staff will look at Riddle Road as one of the areas where staff could use sidewalk or traffic calming money. The total improvement of the area is \$5.1 million and that's not currently included.

Harris Johnson, of 2401 Nation Avenue, #A, noted he supports the tax increase, City Manager, Mayor and several members of Council.

Julia Harrelson, of 931 E. Main Street, asked for reconsideration of funds for Friendship Fellowship Outreach Center.

Shieinnda Hatti urged Council to take the hit for the team, not a hit against the team and stand behind the City Manager.

Pervis Sabb, of Wyclewood Road, noted he supports the City Manager, city employees and the budget as proposed.

Melvin Whitley spoke in support of the City Manager.

Donald Hughes, of Teens Acting Now for Change, made comments in support of City Manager and noted sidewalks are needed from Fayetteville Street to Riddle Road.

Jackie Wagstaff spoke in support of City Manager and noted City workers are not getting paid enough.

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Fred Foster, Jr., of 5718 Whippoorwill Street, asked Council to restore funding to the Durham Literacy Center because children are being displaced in the school system.

Victoria Peterson asked for funding for Triangle Citizens Rebuilding Communities and urged Council to address the crime situation in this city.

Budget Director Julie Brenman noted Council voted to add the Durham Arts Council, DDI and St. Joseph's to the budget, staff will be adding the Duke revenue to the budget and \$86,468 in additional sale of property revenue and all of this would change the property tax increase to 3.8 cents instead of 3.88 cents.

Mayor Pro Tempore Cole-McFadden made comments on the Durham Literacy Council's request.

Council Member Stith made comments modifying earlier comments regarding funded positions/unfilled positions.

**MOTION** by Council Member Stith seconded by Council Member Best to reinstate the Worker's Compensation coverage for Police and Fire; and

To allocate funding to the YMCA; and

To eliminate unfilled positions exempting Police and Fire [The figure for the elimination of the unfilled positions but budgeted would be \$3.4 million exempting Police and Fire--vacant positions on that]; and

To restore \$450,000 loan repayment; and

To hold flat increases until a true Performance Plan system is instituted **FAILED** at 9:27 p.m. by the following vote: Ayes: Council Members Best and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement and Catotti. Absent: None.

**MOTION** by Council Member Clement seconded by Council Member Catotti to approve the budget with indicated changes [highlighted by Budget Director] was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

City Manager Conner asked the Budget Director does Council have to vote on each item separately.

Budget Director Julie Brenman replied no and noted she took the motion as moving everything – A through R. Items L [Non-City Agency Contracts—Durham Arts Council, Downtown Durham, Inc. and St. Joseph Historic Foundation] and R [2004-05 City of

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Durham Budget Ordinance] are the only two items that will be changed to reflect the changes tonight.

City Manager Conner thanked budget staff for their efforts. As it relates to Human Resources reorganization, City Manager Conner noted a plan will be presented to Council on tomorrow and she doesn't perceive that any changes in the compensation plan will have a negative impact on that reorganization.

- a) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution superseding resolution # 9011 approving Parks and Recreation Fee changes was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9127**

- b) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending Durham City Code Section 23-41, Monthly Rates for Water Service, Sewer Service and Water and Sewer Service was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12966**

- c) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending Durham City Code Section 23-40.1, Water and Sewer Capital Facilities Fees was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance # 12967**

- d) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending Durham City Code Section 23-200 ET SEQ to revise fees for the Storm Water Utility System and Make other Miscellaneous Changes was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12968**

- e) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance rewriting the resolution which establishes the schedule of all cemetery charges was approved at 9:28 p.m. by the following vote: Ayes: Mayor

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Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12969**

- f) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending and adding new sections to Chapter 7 of the Durham City Code pertaining to cemeteries was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12970**

- g) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending various sections of Appendix A of Durham City Code pertaining to License and Privilege Taxes was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12971**

- h) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution establishing fees and surcharges charged by the Durham Planning Department was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9128**

- i) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution establishing fees and surcharges for review of traffic impact analyses and transportation special use permits was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9129**

- j) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution establishing or revising fees and charges by the Public Works Department for Development Related Activities was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

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**Resolution #9130**

- k) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution amending fees charged for wrecker dispatch was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9131**

- l) **MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute Non-City Agency contracts and to make amendments to the Non-City Agency contracts that do not increase the contract sum was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Note: Council took action earlier in the meeting to restore the 5% cuts to the Durham Arts Council, Downtown Durham, Inc. and St. Joseph's Historic Foundation.**

FY2004-05 Non City Agency Funding	
<b>36 Agencies</b>	<b>Proposed Funding</b>
Durham Crisis	\$ 22,919
Durham Central Park, Inc.	\$ 4,750
Schoolhouse of Wonder	\$ 28,025
Full Frame	\$ 46,202
Durham Symphony, Inc	\$ 21,850
The Durham Art Guild	\$ 4,584
Flamenco Carlota Sentana	\$ 3,686
American Dance Festival	\$ 66,500
TROSA	\$ 22,563
St Joseph's Historic Foundation	\$ 283,801
Durham Arts Council, Inc.	\$ 564,021
Durham P.R.O.U.D.	\$ 18,335
Project Graduation	\$ 9,168
Walltown Children's Theatre	\$ 19,000
Volunteer Center of Greater Durham	\$ 9,168

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SEEDS	\$ 6,417
Center for Documentary Studies	\$ 9,168
Manbites Dog Theater Co.	\$ 7,125
El Centro Hispano	\$ 33,920
Downtown Durham, Inc.	\$ 134,027
Historical Preservation Society of Durham	\$ 28,419
Durham Community Penalties Program	\$ 22,536
Durham Affordable Housing	\$ 73,340
African American Dance Ensemble	\$ 30,400
Big Brother & Big Sister	\$ 23,940
GoodWork	\$ 27,284
Durham Strider Track Club, Inc	\$ 36,670
Occupational Safety and Health	\$ 9,947
Calvary Ministries of the Westend	\$ 19,230
Ar-Razzaq	\$ 16,198
Carolina theatre	\$ 510,631
Durham Literacy Center	\$ 14,250
Rites of Passage	\$ 5,940
New Horizon Training for Success	\$ 82,772
Mallarme Chamber Players	\$ 9,500
Durham Crimestoppers	\$ 27,503
<b>TOTAL NCA FUNDING IN FY2004-05</b>	<b>\$ 2,253,786</b>

**m) Capital Project Ordinances**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt the City of Durham General Capital Improvements Projects Ordinance Fiscal Year 2004-05; and

To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2004-05; and

To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2004-05 was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12972**

**Ordinance #12973**

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**Ordinance #12974**

n) Grant Project Ordinances

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt the City of Durham Grant Project Ordinance FY 2004-05 Transit Planning and Capital Grants; and

To adopt the City of Durham and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance – FY 2004-05; and

To adopt the City of Durham Employment and Training Grant Project Ordinance July 1, 2004 – June 30, 2005; and

To adopt the City of Durham Employment and Training Grant Project Ordinance – July 2004; and

To adopt the City of Durham HOME Consortium Program Grant Ordinance FY 2004-05; and

To adopt the City of Durham Emergency Shelter Grant Ordinance FY 2004-05; and

To adopt the City of Durham Community Development Block Grant (CDBG) Ordinance FY 2004-05; and

To adopt the City of Durham and State of North Carolina Controlled Substance Abuse Funds Project Grant Ordinance FY 2004-05; and

To adopt the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Project Grant Ordinance FY2004-05; and

To adopt the revision of grant project ordinance #12822 the City of Durham and the U.S. Department of Justice Federal Asset Forfeiture Funds grant project ordinance FY 2003-04; and

To adopt the revision of grant project ordinance #12145 the City of Durham and the U.S. Department of Justice Grants to Encourage Arrest Policies Grant project ordinance FY 2000-02; and

To adopt the revision of grant project ordinance #12852 the City of Durham and State of North Carolina Juvenile Accountability Incentive Block Grant project ordinance; and

To adopt the revision of grant project ordinance #12862 the City of Durham and U.S. Department of Justice 2003 Local Law Enforcement Block Grant project ordinance FY 2003-04 was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro



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Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12975**

**Ordinance #12976**

**Ordinance #12977** (Ordinance indicates July 1, 2004 – June 30, 2006).

**Ordinance #12978**

**Ordinance #12979**

**Ordinance #12980**

**Ordinance #12981**

**Ordinance #12982**

**Ordinance #12983**

**Ordinance #12984**

**Ordinance #12985**

**Ordinance #12986**

**Ordinance #12987**

- o) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt the resolution establishing FY 2004-05 Financial Plans for Internal Service Funds was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9132**

- p) Yard Waste Fees

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution authorizing the charge of \$60.00 annual user fee for weekly curbside collection of earth products; and

To adopt a resolution setting alternate purchase prices for yard waste product was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Resolution #9133**

**Resolution #9134**

- q) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt an ordinance to amend Section 14-10 of the Durham City Code Relating to Personnel was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12988**

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- r) **MOTION** by Council Member Clement seconded by Council Member Catotti to adopt the 2004-05 City of Durham Budget Ordinance as amended [to include restoring 5% cuts to Durham Arts Council, Downtown Durham, Inc. and St. Joseph's Historic Foundation; 2) adding revenue from Duke University to the budget and 3) adding \$86,468 in additional sale of property revenue—changing the budget so that the property tax increase is 3.8 cents instead of 3.88 cents] was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

**Ordinance #12961**

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED PRIOR TO JANUARY 1, 2004 AND BEFORE APRIL 1, 2004**

Budget Director Julie Brenman made comments on this item. She noted that Item g) Ridgefield – Section 9 was withdrawn by the property owner.

Mayor Bell opened the public hearing. There being no one present to speak in support for or against this item, the Mayor declared the public hearing closed.

Council Member Stith disclosed that he lives off Grandale Drive.

Mayor Bell disclosed that he lives on Huntsman Drive.

**MOTION** by Council Member Clement seconded by Council Member Catotti to conduct a public hearing and receive public comments concerning the following Voluntary Annexation Areas was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**a) Junction Road/Habitat for Humanity (FY2004-20)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 31, 2004; and

To authorize the City Manager to pay the debt service of the Redwood VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**Ordinance #12950**

**b) Roberts Property (Grove Pointe) (FY2002-15)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Bethesda VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12951**

**c) Pearl Knoll (FY2004-19)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 31, 2004; and

To authorize the City Manager to pay the debt service of the Redwood VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12952**

**d) Ellerbee Creek Preserve Subdivision (FY2004-02)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Redwood VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**Ordinance #12953**

**e) Grandale Drive – Herndon Tract (Grove Pointe) (FY2004-08)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Parkwood VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12954**

**f) Children’s Campus at Southpointe (FY2004-26)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 31, 2004; and

To authorize the City Manager to modify an existing half-base contract with the Parkwood VFD to provide supplemental fire protection services over a five-year period for the Voluntary Annexation Area, under the same terms and conditions as services are provided to other areas in such contracts was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12955**

**g) Ridgefield – Section 9 (FY2004-27)**

To adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to pay the debt service of the Redwood VFD.

**Note: This item was withdrawn by the property owner.**

**h) Page Road Carwash (FY2004-17)**

**June 21, 2004**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 31, 2004; and

To authorize the City Manager to pay the debt service of the Bethesda VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12956**

**i) GM Smart/Green Property (FY2004-07)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 31, 2004; and

To authorize the City Manager to pay the debt service of the Parkwood VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12957**

**j) Kendrick Estates (Carillon) (FY2004-22)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58--effective from and after June 31, 2004; and

To authorize the City Manager to pay the debt service of the New Hope VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12958**

**k) Landings at American Village (Grove Pointe) (FY2004-23)**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt “An Ordinance Annexing to the City of Durham” the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-31--effective from and after June 31, 2004; and

**June 21, 2004**

To authorize the City Manager to pay the debt service of the Eno VFD was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12959**

**SUBJECT: IMPACT FEE ORDINANCE**

Budget Director Julie Brenman made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to conduct a public hearing and receive public comment on the proposed revisions to the Impact Fee Ordinance; and

To adopt an ordinance amending Durham City Code - Chapter 25, Street, Parks and Recreation and Open Space Land Impact Fees was approved at 9:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Best. Absent: None.

**Ordinance #12965**

**SUBJECT: DUKE POWER FRANCHISE EXTENSION**

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to conduct a public hearing and receive public comments on the Duke Power Franchise Extension; and

To adopt the Ordinance Entitled "An Ordinance Extending to January 17, 2005 a Franchise to provide Electrical Service to the City of Durham held by Duke Energy Corporation" was approved at 9:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12989**

**June 21, 2004**

**SUBJECT: REZONING MATTER CASE (P03-53)– MENTOCK OFFICE -  
SABRINA MENTOCK – NORTH SIDE OF CARPENTER-  
FLETCHER ROAD BETWEEN LOYAL AVENUE AND NC 55**

To conduct a public hearing and receive public comment on rezoning Case P03-53 (Mentock Office); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-53 out of R-10 and placing same in and establishing same as O&I-1(D).

Planning Department Recommendation: Approval  
Zoning Committee Recommendation and Vote: Approval – (7-0)

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Clement to conduct a public hearing and receive public comment on rezoning Case P03-53 (Mentock Office); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-53 out of R-10 and placing same in and establishing same as O&I-1(D) was approved at 9:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING MATTER CASE (P03-24) – HOCK PLAZA PHASE  
TWO – GARY M. HOCK – 600 DOUGLAS STREET**

To conduct a public hearing and receive public comment on rezoning Case P03-24 (Hock Plaza Two); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-24 out of NC and placing same in and establishing same as MU(D).

Planning Department Recommendation: Approval  
Zoning Committee Recommendation and Vote: Approval – (7-0)

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

**June 21, 2004**

**Proponent**

Warren Mitchell, representing the applicant, spoke in support of this rezoning. Also, he provided Council with handouts [photographs of existing plaza and renderings for Phase 2] and urged Council to support this project.

No one spoke in opposition to this rezoning matter.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to conduct a public hearing and receive public comment on rezoning Case P03-24 (Hock Plaza Two); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-24 out of NC and placing same in and establishing same as MU(D) was approved at 9:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**[SUPPLEMENTAL ITEM]**

**SUBJECT: CONSTRUCTION CONTRACT FOR RESTROOM/CONCESSION BUILDINGS AT RIVERSIDE HIGH SCHOOL – WHITE OAK CONSTRUCTION CORPORATION, INC.**

Beth Timson made comments on this item.

**MOTION** by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a contract with White Oak Construction Corp. Inc., in the amount of \$195,750.00, with a contingency fund in the amount of \$8,000.00, for a total cost of \$203,750.00; and

To authorize the City Manager, or her designee, to negotiate and execute change orders for the project provided that the cost does not exceed \$8,000.00 and the total cost of the project does not exceed \$203,750.00; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract awarded by City Council was approved at 9:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.



**June 21, 2004**

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION -  
APPOINTMENT**

To appoint a citizen to fill one (1) vacancy on the Durham Open Space & Trails Commission to represent Ward 3. The term will expire June 30, 2007.

Note: At the June 10, 2004 City Council Work Session, Valjeanne Jones-Williams received 1 vote, Jeremy S. Mahon received 1 vote and Anne C. Sherman received 1 vote.

By ballot, the City Council appointed Anne C. Sherman to the Durham Open Space & Trails Commission with a term to expire June 30, 2007 with four votes. [Council Members Best, Brown, Catotti and Stith]

Several members of Council thanked Budget, city staff and the City Manager for their work on the budget.

Council Member Best extended condolences to Mayor Bell on the passing of his aunt.

Mayor Bell commented on the agenda for the June 22, 2004 Special City Council Meeting.

There being no further business to come before the City Council, the meeting was adjourned at 9:45 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk